SINGLE BENCH

C.F. 1001

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 1097/2006

PETITIONER : Deen Bandhu Rathore
Aged about 63 years
S/o. Ramji Rathore
R/o. Village Dhurkot, Tahsil Janjgir
Dist. Janjgir-Champa (C.G.)

R.R. No. 1168/06
Presented by Anil Maurya
dated 23/3/06

VERSUS

RESPONDENTS :1. State of Chhattisgarh
Through Secretary
Department of Revenue Department
D.K.S. Bhawan Raipur (C.G.)

2. The Collector, Kardha
District Kawardha (C.G.)

3. Accountant General
(General Provident Fund) Pension
Bada Raipur, Dist. Raipur (C.G.)

4. Tahsildar
Tahsil Pandariya, Dist. Kawardha
(C.G.)

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APARNA MAURYA
CG-2073/96
2/3/06
Bilaspur Chhattisgarh

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA ISSUANCE OF WRIT/ WRITS IN THE NATURE OF MANDAMUS WRIT OR OTHER SUITABLE DIRECTION OR DIRECTIONS OR ORDER OR ORDERS

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 1097 of 2006

Petitioner Deen Bandhu Rathore

Versus

Respondents State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Shri Ramakant Pandey, Advocate for the petitioner.
Shri V.V.S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Advocate General for the State/respondents.

ORDER

(Passed on 13th day of December, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner, while working as Patwari in Tahsil Janjgir, a criminal case was registered against him. The petitioner, by order dated 11.7.1986, was placed under suspension under Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (hereinafter referred to as 'the Rules, 1966'). The criminal case resulted into acquittal by the judgment and order dated 15.11.1996 passed by the Special Judge in Special Case No. 3/87. The petitioner was **thereafter** reinstated in the service by order dated 20.3.1997 (Annexure P/1) and the suspension was revoked.

2. The Sub Divisional Officer, Lormi, by order dated 11.9.1997, (Annexure P/2) again suspended the petitioner because of pending of

the appeal filed by the Lokayukt Organization, Bhopal before the High Court of Madhya Pradesh at Jabalpur against the order of acquittal.

3. It is admitted position that the petitioner was acquitted in the criminal trial. This Court, while considering the identical point of law involved in W.P. No. 4033 of 2004 (Santosh Kumar Asati Vs. State of Chhattisgarh and others), by order dated 20.4.2005, held that the suspension order cannot continue unless the appeal is allowed and the petitioner is convicted. The respondents/authorities were directed to consider the reinstatement of the petitioner as also the payment of full back wages and other consequential benefits after deducting the amount of subsistence allowance already paid to the petitioner.

4. The same issue again came in W.P. No. 2175 of 2004 (Dhaneshwar Soni Vs. State of Chhattisgarh and another). This Court, by order dated 4.12.2006, held as under:-

"The purpose of suspension in the present case, i.e., smooth disposal of investigation, inquiry or trial of a criminal offence, is already over and the petitioner has been acquitted in the criminal trial. Thus, the petitioner cannot be placed under suspension continuously even under Rule 9 of the Rules of 1966"

5. In view of the orders dated 20.4.2005 and 4.12.2006 passed by this Court in W.P. No. 4033 of 2004 (Santosh Kumar Asati Vs. State of Chhattisgarh and others) and in W.P. No. 2175 of 2004 (Dhaneshwar Soni Vs. State of Chhattisgarh and another), this petition is allowed

and the petitioner is entitled to reinstatement on the post after revocation of suspension as also the payment of full back wages and other consequential benefits after adjusting the amount of subsistence allowance already paid to the petitioner. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Babli